

AMENDED IN ASSEMBLY AUGUST 17, 2015

AMENDED IN ASSEMBLY JUNE 23, 2015

AMENDED IN SENATE APRIL 23, 2015

AMENDED IN SENATE FEBRUARY 18, 2015

**SENATE BILL**

**No. 110**

---

**Introduced by Senator Fuller**

(Principal coauthor: Assembly Member Waldron)

**(Coauthors: Senators Anderson, Huff, Stone, and Vidak)**

(Coauthors: Assembly Members Chávez, Chu, Dahle, Gallagher, Grove, Jones, Lackey, Maienschein, Mathis, and Olsen)

January 9, 2015

---

An act to add Section 422.2 to the Penal Code, relating to threats.

LEGISLATIVE COUNSEL'S DIGEST

SB 110, as amended, Fuller. Threats: schools.

Existing law makes it a crime to willfully threaten to commit a crime that will result in death or great bodily injury to another person, with the specific intent that the statement is to be taken as a threat and which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety. Under existing law, this crime is punishable by imprisonment in a county jail for no more than one year for a misdemeanor, or by imprisonment in state prison for a felony.

This bill would make a person who, by any means, including, but not limited to, by means of an electronic act, willfully threatens unlawful

violence *to another person* to occur upon the grounds of a school, as defined, with specific intent and under certain circumstances, and that threat creates a disruption at the school, guilty of a misdemeanor or felony punishable by imprisonment in a county jail for a specified term. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 422.2 is added to the Penal Code, to read:  
2     422.2. (a) A person who, by any means, including, but not  
3     limited to, by means of an electronic act, willfully threatens  
4     unlawful violence *to another person* that will result in death or  
5     great bodily injury to occur upon the grounds of a school, with the  
6     specific intent that the statement is to be taken as a threat, even if  
7     there is no intent of carrying it out, and where the threat, on its  
8     face and under the circumstances in which it is made, is so  
9     unequivocal, ~~unconditional~~, *unconditional*, immediate, and specific  
10    as to convey a gravity of purpose and an immediate prospect of  
11    execution of the threat, and that threat creates a disruption at the  
12    school, shall be punished by imprisonment in a county jail for a  
13    term not exceeding one year, or by imprisonment pursuant to  
14    subdivision (h) of Section 1170.  
15    (b) This section does not preclude or prohibit prosecution under  
16    any other ~~law~~, *law, except that a person shall not be convicted for*  
17    *the same threat under both this section and Section 422.*  
18    (c) For purposes of this section, the following terms have the  
19    following meanings:  
20    (1) “Disruption” means interference with peaceful activities of  
21    the campus or facility.  
22    (2) “Electronic act” has the same meaning as in paragraph (2)  
23    of subdivision (r) of Section 48900 of the Education Code.

1 (3) “School” means a state preschool, a private or public  
2 elementary, middle, vocational, junior high, or high school, a  
3 community college, a public or private university, or a location  
4 where a school-sponsored event is or will be taking ~~place~~. *place*  
5 *and the threat is related to both the school-sponsored event and*  
6 *to the time period during which the school-sponsored event will*  
7 *occur.*

8 SEC. 2. No reimbursement is required by this act pursuant to  
9 Section 6 of Article XIII B of the California Constitution because  
10 the only costs that may be incurred by a local agency or school  
11 district will be incurred because this act creates a new crime or  
12 infraction, eliminates a crime or infraction, or changes the penalty  
13 for a crime or infraction, within the meaning of Section 17556 of  
14 the Government Code, or changes the definition of a crime within  
15 the meaning of Section 6 of Article XIII B of the California  
16 Constitution.